

REMARKS

Favorable reconsideration of this application is respectfully requested.

The instant application was filed on October 23, 2003 with 17 claims; claim 5 has been cancelled, so claims 1-4 and 6-17 remain pending in this application.

The abstract had been objected to because it contained legal phraseology (“comprising” and “said”). The abstract has been amended herein to remove this legal phraseology.

Claim 1 had been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention; specifically, the assertion is that “the free edge” in line 5 lacked antecedent basis. Claim 1 has been amended for clarification to provide sufficient antecedent basis and it is respectfully submitted this rejection is now moot.

Claims 1-8, and 11 have been rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0023316 to Brown et al. (hereinafter referred to simply as “Brown”). This rejection is respectfully traversed.

Nowhere does Brown disclose or suggest an intermediate composite part designed for forming a composite reinforcement prosthesis, which includes a porous textile support which includes an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, the textile support defining a free edge or edges of the part, and a hydrophilic absorbable material covering at least one side of the textile support extending across the surface of a protected zone and creating, on each side, two unprotected zones of the textile support which are limited by said free edges and are devoid of any of said

absorbable material, wherein the absorbable material is selected from the group consisting of modified collagens, polysaccharides, and their mixtures as recited in claim 1.

While Brown teaches the use of naturally occurring extracellular matrices in tissue repair and regeneration, including the use of small intestine submucosa, which in turn, is a naturally-occurring ECM composed primarily of collagenous proteins (see Brown at paragraph 6), nowhere does Brown disclose or suggest a hydrophilic absorbable material covering at least one side of a textile support extending across the surface of a protected zone and creating, on each side, two unprotected zones of the textile support which are limited by said free edges and are devoid of any of said absorbable material, wherein the absorbable material is selected from the group consisting of modified collagens, polysaccharides, and their mixtures as recited in claim 1. Without such teaching or suggestion, Brown cannot anticipate or render claim 1 obvious, nor any claim depending therefrom, including claims 2-8 and 11. Thus, reconsideration of this rejection is respectfully requested.

Claims 9, 10 and 12 have been rejected under 35 U.S.C. §103(a) as obvious over Brown in view of WO 02/078568 to Browning (hereinafter referred to simply as “Browning”). Claim 9 depends from claim 8 which, in turn, depends from claim 1 and incorporates all the limitations of claim 1 therein. Claim 10 depends from claim 9 and claim 12 depends from claim 10; thus claims 10 and 12 also indirectly depend from claim 1 and incorporate all the limitations of claim 1 therein.

As noted above, nowhere does Brown disclose or suggest an intermediate composite part designed for forming a composite reinforcement prosthesis, which includes a porous textile support which includes an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, the textile support defining a free edge or edges

of the part, and a hydrophilic absorbable material covering at least one side of the textile support extending across the surface of a protected zone and creating, on each side, two unprotected zones of the textile support which are limited by said free edges and are devoid of any of said absorbable material, wherein the absorbable material is selected from the group consisting of modified collagens, polysaccharides, and their mixtures as recited in claim 1.

Moreover, as acknowledged by the Examiner, nowhere does Brown disclose the absorbable material covering the textile as a coating as recited in claim 9.

Browning fails to remedy the deficiencies of Brown, no matter how these references may be combined. While Browning discloses a mesh for treating hernias which may possess a coating, nowhere does Browning disclose or suggest an intermediate composite part designed for forming a composite reinforcement prosthesis, which includes a porous textile support which includes an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, the textile support defining a free edge or edges of the part, and a hydrophilic absorbable material covering at least one side of the textile support extending across the surface of a protected zone and creating, on each side, two unprotected zones of the textile support which are limited by said free edges and are devoid of any of said absorbable material, wherein the absorbable material is selected from the group consisting of modified collagens, polysaccharides, and their mixtures as recited in claim 1. Without such teaching or suggestion, Browning fails to remedy the deficiencies of Brown and thus neither Brown nor Browning, taken alone or in any combination, render claim 1 obvious, nor do they render claims 9, 10 and 12 obvious, which incorporate, directly or indirectly, the limitations of claim 1 therein.

Claims 13-17 have been rejected under 35 U.S.C. §103(a) as obvious over Brown.

Claim 13 depends from claim 1 and incorporates all of its limitations therein. With respect to claims 14-17, claim 14 is directed to a process for obtaining a composite reinforcement prosthesis utilizing the intermediate composite part of claim 1, and claims 15-17 depend from claim 14. Thus claims 13-17 all depend, directly or indirectly, from claim 1 and incorporate all of its limitations therein.

As described above in great detail, Brown fails to disclose or suggest the intermediate composite part for forming a prosthesis as set forth in claim 1 and thus Brown fails to anticipate or render obvious claim 1 and the claims depending therefrom, including claims 13-17. Reconsideration of this rejection is thus respectfully requested.

Claim 17 has also been rejected under 35 U.S.C. §103(a) as obvious over Brown in view of EP 0774240 to Landgrebe et al. (hereinafter referred to simply as "Landgrebe"). As noted above, claim 17 depends indirectly from claim 1 and incorporates all of its limitations. As also noted above, Brown fails to anticipate or render obvious claim 1 and the claims depending therefrom, including claim 17.

Landgrebe fails to remedy the deficiencies of Brown. While Landgrebe discloses an implant for suspension of the urinary bladder having two pairs of projections and non-parallel edges, nowhere does Landgrebe disclose or suggest an intermediate composite part designed for forming a composite reinforcement prosthesis, which includes a porous textile support which includes an arrangement of threads each composed of at least one filament of nonabsorbable polymer material, the textile support defining a free edge or edges of the part, and a hydrophilic absorbable material covering at least one side of the textile support extending across the surface of a protected zone and creating, on each side, two unprotected

zones of the textile support which are limited by said free edges and are devoid of any of said absorbable material, wherein the absorbable material is selected from the group consisting of modified collagens, polysaccharides, and their mixtures as recited in claim 1. Nor does Landgrebe disclose or suggest the use of such a part in the formation of a prosthesis wherein the part is cut out along a cutting line defining a strip with nonparallel edges which is bulged in the central region and narrower at the ends as recited in claim 17.

Without such teaching or suggestion, neither Brown nor Landgrebe, taken alone or in any combination, render claim 17 obvious and reconsideration of this rejection is respectfully requested.

Finally, the Examiner has provisionally rejected claims 1-17 on the grounds of nonstatutory obviousness type double patenting over claims 1, 3, 6, 8-14 and 16-18 of U.S. Application No. 10/690625 (U.S. Patent Application Publication No. 2004/0138762). Applicants note this is a provisional rejection and will consider filing a Terminal Disclaimer once all other issues of patentability are resolved.

In view of the foregoing, this application is believed to be in condition for allowance.

In the event that the examiner believes that a telephone conference or a personal interview may facilitate resolution of any remaining matters, the undersigned may be contacted at the number indicated below. In view of the foregoing amendment and remarks, early and favorable action on this application are earnestly solicited.

Respectfully submitted,


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